UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,478	07/02/2003	Allon G. Englman	47079-00207	3126

70243 7590 08/02/2007

NIXON PEABODY LLP
161 N CLARK ST.
48TH FLOOR
CHICAGO, IL 60601-3213

EXAMINER	
NGUYEN, DAT	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
08/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ED

Office Action Summary	Application No.	Applicant(s)	
	10/612,478	ENGLMAN ET AL.	
	Examiner	Art Unit	
	Dat T. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8,10-14,16-22 and 25-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,10-14,16-22 and 25-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/18/2007 has been entered.

Response to Amendment

This office action is responsive to the amendments filed on 05/18/2007 in which applicant amends claims 1, 8, 14, 19, 27 and 32, adds new claim 40 and responds to the claim rejections. Claims 1-6, 8, 10-14, 16-22 and 25-40 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 14, 16-21, 25-33 and 36, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,842,698) in view of Vancura (US 6,517,073 B1).

Regarding claims 1, 14, 19, 27 and 32:

Brown teaches a system and method for allowing players at a plurality of gaming terminals to place side wagers comprising:

A plurality of gaming terminals interconnected for play of a wager game (2:36-40, fig. 1, and feature 18). The players play a base game of blackjack wherein upon the occurrence of a bonus triggering combination, the player who achieves the bonus triggering combination (blackjack with an ace or some other desired combination by game operators, 4:9-21) is made eligible for play of a bonus progressive game. Furthermore it could be required that the player who achieves the bonus condition must also beat the dealer (3:10-13). Prior to the play of the bonus progressive craps game, "the remaining layers may also place bets on one of their respective craps wager circles. Each craps wager is then settled based [on] the outcome of the single roll of the dice by the player having the blackjack." (abstract).

The game, as taught by Brown in the exemplary embodiments are described as a table top game conducted by a casino operator. It could be said that the step of sending the inquiry signals to the players upon the initiation of the bonus game for other plays to place their side wagers is inherently carried out by the table operator since there would be no other way for the game to function. Furthermore, Brown explicitly states that the game can be implemented in a game program or machine making the same presentations. Such disclosure inherently requires the use of inquiry signals to the other terminals to inform their players of the progression of the game.

The game of craps is further disclosed by Brown to be a game wherein the players provide wagers based upon their predicted outcome of the random roll of dice (3:4-29). Upon initiation of the bonus game event, players who did not qualify for the progressive jackpot who wish to participate in the craps game through a side wager are to place their respective bets based upon their prediction of the outcome of the qualifying player's roll via an input mechanism, features 20,22 and 24 (3:42-52). The game is resolved in a manner that the non-qualifying player's outcome in the progressive game is not dependent on the qualifying player's outcome. That is the non-qualifying player makes his/her own predictions on the roll of the craps game and is paid on whether or not that prediction is correct, irrelevant of whether the progressive winning outcome is achieved by the qualifying player.

The player who qualified at least wins a first payout level at the end of the progressive game because one of the requirements to enter in the bonus game is that the player must also have a hand that beats the dealer's as discussed above, therefore it is inherent that the player would at least receive some minimum win amount, that is the award based on the primary game. Furthermore, other players who did not achieve the bonus award trigger by achieving the highest hand would not receive any payout level.

Brown is silent regarding:

- The step of sending the side wager inquiry signal to a second one of the plurality of gaming terminals being performed by a signage controller.

- Signage coupled to the plurality of interconnected gaming terminals, displaying the progressive game.
- The Signage including a local controller for randomly selecting a progressive game outcome of the progressive wagering game, the progressive game outcome being displayed on the signage.

In a related patent, Vancura teaches the use of a signage controller for a bonus game very similar to that of Brown. Vancura's signage controller, upon detection of the bonus qualifying event for the bonus progressive game, initiates the bonus gaming sequence (4:37-45). The signage further has a controller (feature 14) that randomly selects a progressive game outcome. The signage also displays the progressive game (4:45-5:30). Vancura and Brown are analogous art because they both teach methods and apparatus for bonus progressive games requiring qualifying base game outcomes. Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the signage of Vancura in place of the signage of Brown in order to provide players with a more active and exciting gaming experience since the signage of Vancura displays the progressive game in an overhead display in its entirety, whereby attracting more prospective players.

Further regarding claim 19, Brown in view of Vancura fails to require the side wager inquiry signal causing a side wager inquiry to be displayed on the first one of the plurality of gaming terminals. Brown however teaches that the game may be implemented in a computer program producing images for a monitor or a machine making the same presentations (2:10-21). It is notoriously well known in the art at the

time of applicant's invention to include side wager inquiry signals to be displayed at a player's terminal in order to inform the player of the progression of the game as well as actions that the player may take in response to a game event such as that of the achievement of a progressive bonus game by a secondary player. Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's to include a side wager inquiry display at the non-qualifying player's terminal to inform the player of their options in response to the achievement of the progressive bonus game. Such features are deemed obvious since it would be required for the operation of the game on linked gaming machines and computer programs since in that case there would be no dealer or casino personnel to guide the advancement of the game.

Regarding claim 2, further comprising crediting the second one of the plurality of gaming terminals with a payout amount corresponding to the side wager at the end of the progressive game (feature 26, illustrates the fixed odds for craps wager by players who did not qualify for the progressive bonus award).

Regarding claim 3, wherein the event relates to rolling dice (the craps game of Brown is a game event that relates to rolling of dice as is well known in the art, 2:26).

Regarding claim 4, wherein the event is a particular outcome of the progressive game (the side wagers are taken based on the outcome of the event which is the outcome of the craps roll decided by the qualifying player (3:42-52).

Regarding claim 5, in response to the qualifying event, players place bets in respective areas indication their desire to participate in the side wager event (3:42-52).

This inherently includes a side wager signal indicating to the rest of the players and operators that participation is desired by the non-qualifying player.

Regarding claim 6, please refer to the discussion of claim 2. The side wagers are resolved based on fixed odds and therefore the amount for winning in the progressive game by a non-qualifying player is inherently predetermined, since it can be determined before the outcome of the game is resolved (2:57-67).

Regarding claim 16, please see the rejection regarding claims 14, 27 and 32. Regarding the limitation of the signage being on the first one of the plurality of gaming terminals, it can be said that the signage is on all of the gaming terminals since it is connected to the table that houses all of the gaming terminals, fig. 2.

Regarding claim 17, wherein each of the plurality of interconnected gaming terminals includes a gaming terminal controller, the gaming terminal controller in communication with the signage controller. Brown teaches that the gaming terminals each have betting areas associated with different wagers (feature 20, 22 and 24) and after wagers are made on the wager areas at each terminal and there is no qualifying event, the respective jackpots accumulate onto the signage via the signage controller (5:11-56).

Regarding claim 18, each terminal of Brown is identical to the next and there are no differences between the playing areas, fig.1.

Regarding claim 20, please see the rejection regarding claims 14, 27 and 32. Regarding the limitation that the signage is located above the interconnected terminals, please see fig. 2 of Brown.

Regarding claim 21, Please see the rejection regarding claims 14, 17, 20, 27 and 32. The different wager areas of the individual terminals communicate to the signage controller when wagers are made on the respective areas. Such communication would inherently include the claimed response signals since it would be required that a signal be sent from the respective wager areas to the signage controller to update the value of the jackpot.

Regarding claim 25, the player who qualifies for the progressive bonus game rolls the dice for the game of craps and depending on the roll and initial bet is awarded the corresponding jackpot. There are three jackpots with varying levels of payout corresponding to their likelihood of occurring (feature 32, 36, 38, 40 and the detailed description thereof).

Regarding claim 26, Brown is silent regarding the prediction of whether the player will land a game piece on a certain location of a game board. However, Vancura teaches the use of a gameboard (feature 12) and associated predictions as a bonus game. As discussed above, Brown and Vancura are analogous art. Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a gameboard as described by Vancura with the same winning odds and positions of Brown. One would be motivated to do so to add another level of interest and excitement, as the display of a gameboard would introduce a sense of theme and interest to the game.

Regarding claim 28, see rejection statement of claims 21 and 27.

Regarding claim 29, see rejection statement of claim 19.

Regarding claim 30, the qualifying player places a side wager based on the predicted outcome of the craps game.

Regarding claim 31, please see rejection of claim 26.

Regarding claim 33, please see rejection of claim 32. The display of the game inherently includes the display of the outcome of the game as well.

Regarding claim 36, wherein the local controller randomly selects one of the plurality of gaming terminals to enter the progressive game. Brown teaches that his game can be implemented on a gaming machine. Therefore it would have been obvious to one of ordinary skill in the art that such implementation would include that of a controller for randomly issuing the outcome of the base game (in place of the dealer), the outcome of the base game being related to the achievement of the bonus progressive prize. For further discussion regarding the local controller, please see the rejection regarding claim 32.

Regarding claim 37, Brown is silent regarding the progressive game outcome being dependent on a wager amount chosen by players during the wagering games. Vancura discloses a game wherein the outcome of the game or thee house advantage is dependent on the amount of players wagering in the game. If there are more players wagering more in the game, then the house advantage decreases and the players receive a higher chance of winning (col. 6, lines 28-67). As discussed above, Vancura and Brown are analogous art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include a wager dependent outcome

in order to entice players to wager more in the game whereby increasing casino revenue.

Regarding claim 40, Brown fails to teach allowing the bonus qualifying player the option of making a wager on any even that may occur in the progressive game. However, Vancura teaches allowing the player the option of wagering their fixed payout for the chance to receive a higher or lower payout in accordance to the outcome of an event that may occur in the progressive game (4:29-67). Brown and Vancura are analogous art as discussed above. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to allow the player a fixed set of payout or allow the player to wager their fixed winnings via a side wager on an event that may occur in the progressive game. One would be motivated to do so to increase player interest and excitement in the game by allowing players who are not willing to risk loss at taking some minimum award amount and allowing players who are more daring to wager their fixed payout to achieve an even higher payout.

Claims 8, 10-13, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Vancura and further in view of Giobbi et al. (US 6,155,925).

Regarding the achievement and inquiry signals of claim 8, please refer to the discussion regarding independent claims 1 and 19 above. For other specifics of claim 8, please see the discussion regarding claims 1 and 19 above.

Regarding claims 8, 10, 34 and 35, Brown and Olsen fail to disclose a primary wagering game that operates using a plurality of selectable paylines with wagers being capable of being made at each payline. Olsen however does disclose a qualifying requirement for players to enter into the bonus game being that of a certain wager amount. Giobbi et al. discloses a game that operates by players selecting from a plurality of paylines and making bets for each payline (Figure 1 and the description thereof). Giobbi et al. also discloses various bonus games wherein a requirement for entrance into said bonus game is some minimal bet amount. One of such bonus game requires the player to place a max bet on all paylines (Figure 9g and the description thereof). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a muli-payline base game of Giobbi et al. in the progressive bonus game of Vancura in view of Olsen as well as a max bet qualifying requirement for bonus play in order to increase player interest and excitement. The presence of multiple paylines and a max bet requirement for the entrance into bonus play will entice players to bet more and increase casino revenue.

Regarding claims 11-13, please refer to the discussion of claims 4 and 5.

Claims 22, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Vancura as applied to claim 21 and 32 above, and further in view of Olsen (US 6,210,275).

Regarding claim 22, Brown teaches a game that can be implemented via a gaming machine, however describes his embodiments in the from of a table top game

being operated by a dealer and signage. Brown is silent regarding the signage controller awarding players credits if winning outcomes are achieved. In a related patent issued to Olsen which also teaches the use of signs for conducting of casino games of chance, Olsen teaches that the signage controller awards players credits when winning outcomes are achieved (16:37-67). Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to augment Brown's signage with that of Olsen's to allow for the signage controller to credit a player when winning outcomes are achieved. One would be motivated to do so since winning large progressive awards would take long amount of time for the dealer to count and award the player, however if the player is automatically credited by the signage the game and progress more smoothly.

Regarding claim 38 and 39, Brown teaches a game wherein the player may achieve different values of payouts. However Brown is silent regarding a multi-level progressive game and the progressive game accumulates points and is awarded a jackpot at one of the multiple levels of payouts depending on the number of points accumulated. Olsen teaches a progressive game wherein game in which different levels of payout, greater than the first awarded depending on the outcome (col. 6, lines 20-67, figures 2, 3 and 5) to provide progressive game that allows for a player to win more than just one progressive jackpot (col. 4, lines 10-64). Brown and Olsen are analogous art as discussed above. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to include the multi-level progressive feature of Olsen in the progressive game of Brown to increase player interest and

excitement as a multi-level progressive game would increase the length of time that a player may enjoy the feeling of achievement in the bonus game.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8, 10-14, 16-22 and 25-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dat T. Nguyen whose telephone number is (571) 272-2178. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dat Nguyen

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER